

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. James Lee Watkins

Docket No. 5:01-CR-92-1H

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Lee Watkins, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute Cocaine Base (Crack) in violation of 21 U.S.C. § 846, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on November 15, 2001, to the custody of the Bureau of Prisons for a term of 132 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

James Lee Watkins was released from custody on March 11, 2011, at which time the term of supervised release commenced.

On March 22, 2011, a Violation Report was submitted to the court advising that the defendant tested positive for marijuana. The defendant was continued on supervision and referred for substance abuse treatment.

On April 7, 2011, in response to a positive drug test for cocaine and marijuana, the following special condition was added:

4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant completed a 5-day DROPS sanction.

On October 24, 2011, a Violation Report was submitted to the court advising that the defendant tested positive for marijuana and cocaine. The defendant was continued on supervision and referred for participation in the HOPE (Reentry/Drug Court Program).

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 19, 2012, in Wake County, North Carolina, the defendant was charged with Possession With Intent to Sell and Deliver Marijuana and Resisting a Public Officer. The drug related offense was dismissed on October 9, 2012. The Resisting a Public Officer charge remains pending. In light of this new violation, it is recommended that Mr. Watkins be required to complete a 30-day period of home detention. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

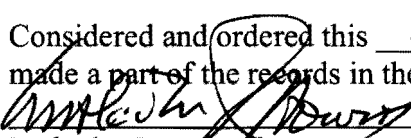
I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8660
Executed On: November 2, 2012

ORDER OF COURT

Considered and ordered this 5th day of November, 2012, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge